

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| <b>SHARDAY BROWN</b><br><br><b>v.</b><br><br><b>PA STATE TROOPER KYLE FREY,<br/>TROOP J, ET AL.</b> | <b>CIVIL ACTION</b><br><br><b>NO. 23-4268</b> |
|---|---|

**ORDER**

**AND NOW**, this 10th day of February, 2025, upon consideration of Defendants’ Motion for Summary Judgment (ECF 29–30), Plaintiff’s Response in Opposition (ECF 34–35), and Defendants’ Reply (ECF 38, 41), for the reasons stated in the foregoing memorandum, it is hereby **ORDERED** that Defendants’ Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**.

1. Defendants’ Motion is **GRANTED** as to Count I’s claim of excessive force in violation of the Fourteenth Amendment, but Defendants’ Motion is **DENIED** as to Count I’s claim of excessive force in violation of the Fourth Amendment.
2. Defendants’ Motion is **GRANTED** as to Count II of the Complaint. All claims in Count II are **DISMISSED**.
3. Defendants’ Motion is **GRANTED** as to Count III of the Complaint. All claims in Count III are **DISMISSED**.
4. Defendants’ Motion is **GRANTED** as to Count IV of the Complaint. All claims in Count IV are **DISMISSED**.

Defendants Kasey Gehman, John Provence, and Craig Fry are **DISMISSED** from the case.

Only Count I’s claim of excessive force in violation of the Fourth Amendment against

Defendant Kyle Frey shall proceed in this case.

It is further **ORDERED** that Plaintiff's Motion to Respond to Reply (ECF 42) is **DENIED** as moot.

**BY THE COURT:**

**/s/ Michael M. Baylson**

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**MICHAEL M. BAYLSON, U.S.D.J.**

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